



# CITY OF MEMPHIS

## COUNCIL AGENDA

April 21, 2015

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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### CALL TO ORDER by the Sergeant-at-Arms

### INVOCATION

*Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.*

### PLEDGE OF ALLEGIANCE

### CALL OF ROLL by the Comptroller

### APPROVAL OF PREVIOUS MEETING MINUTES (April 7, 2015)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATION AND RECOGNITION OF VISITORS

1. PRESENTATION of the FY 2016 Budget, by Mayor A C Wharton, Jr.

#### PUBLIC HEARINGS

2. RESOLUTION approving a subdivision appeal located on the northwest corner of  
Collins of Poplar Avenue and Belle Meade Lane, containing .71 acre.

Chairman,  
Planning & Zoning  
Committee

Case No. S 11-007

Appellant: John R. Wills, Jr.

Request: Remand hearing of the resolution approving the appeal of John R. Wills, Jr., seeking to overturn the action of the Memphis and Shelby County Land Use Control Board rejecting the preliminary plan for the re-subdivision of Lot 94 of the Belle Meade Subdivision

LUCB recommendation: Rejection

OPD recommendation: APPROVAL, of the re-subdivision with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**75 NOTICES WERE MAILED ON APRIL 10, 2015**

3. RESOLUTION approving a street/alley closure located on Coughlin Drive between Brooks Road and Stonebrook Avenue, containing 2.058 acres in the Employment (EMP) District. This resolution is sponsored by the Office of Planning and Development. (Held from 4/15; 5/20; 10/7; 10/21; 11/18; 12/16; 1/20; 3/17)  
Collins Chairman, Planning & Zoning Committee  
Case No. SAC 13-605  
Companion Case No. SD 13-701

Applicant: City of Memphis Engineering Division  
Bill Wood, Pickering Firm – Representative

Request: Close and vacate a portion of Coughlin Drive Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**25 NOTICES WERE RE-MAILED ON MARCH 6, 2015**

**DIVISION OF PLANNING AND DEVELOPMENT**

4. RESOLUTION approving a hotel/motel waiver for Inn at American Way located at 4300 American Way, Memphis, TN 38118. This resolution is sponsored by the Office of Planning and Development.  
Collins Chairman, Planning & Zoning Committee  
Case No. HMW 15-02

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a hotel/motel waiver for Rodeway Inn located at 5119 American Way, Memphis, TN 38115. This resolution is sponsored by the Office of Planning and Development.  
Collins Chairman, Planning & Zoning Committee  
Case No. HMW 15-06

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving a hotel/motel waiver for Crowne Plaza Memphis Downtown located at 300 N. Second Street, Memphis, TN 38105. This resolution is sponsored by the Office of Planning and Development.  
Collins  
Chairman,  
Planning &  
Zoning Committee

Case No. HMW 15-07

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving a planned development located at 3850 Elvis Presley Boulevard, 140 feet south of Dolan, containing 5.35 acres in the Residential-10 (R-10) District. This resolution is sponsored by the Office of Planning and Development.  
Collins  
Chairman,  
Planning &  
Zoning Committee

Case No. PD 15-303

Applicant: OKC Partnership  
Tim McCaskill – Representative

Request: Aircraft Outdoor Display and Museum

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

8. RESOLUTION approving a street dedication located on Sandbrook and Stonebrook Avenues, containing 0.146 acre in the Employment (EMP) District. This resolution is sponsored by the Office of Planning and Development. (Held from 4/15; 5/20; 10/7; 10/21; 11/18; 12/16; 1/20; 3/17).  
Collins  
Chairman,  
Planning &  
Zoning Committee

Case No. SD 13-701  
Companion Case No. SAC 13-605

Applicant: City of Memphis Engineering Division  
Bill Wood, Pickering Firm – Representative

Request: Dedicate new street right-of-way in conjunction with the closure of Coughlin Drive

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

9. RESOLUTION approving a special use permit located on Capewood Drive, 600 feet west of Trezevant, containing 0.65 acre in the Residential-10 (R-10) District. This resolution is sponsored by the Office of Planning and Development.  
Collins Chairman, Planning & Zoning Committee Case No. SUP 15-202

Applicant: Tower Assets Newco IX-Tower Ventures  
Lou Katzerman – Representative

Request: Construct a 170' CMCS (Cell) Tower

LUCB and OPD recommendation: APPROVAL, with conditions

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCES – THIRD AND FINAL READING** (None)



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

10. **JOINT ORDINANCE** to amend the provisions of the 2012 Joint Mechanical Code of Memphis and Shelby County related to the operation and safety monitoring of certain Power Boilers to make these requirements more closely align with State of Tennessee requirements for the operation of such equipment, up for **F I R S T** reading. Ordinance No. 5584 is sponsored by the Office of Planning and Development.
- Collins  
Chairman,  
Planning &  
Zoning  
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

11. **ORDINANCE** to amend Article II, Chapter 4-14, City of Memphis Code of Ordinances, and Article III, Chapter 39 to allow the Consumption of Alcoholic Beverages by an individual(s) who is a passenger in certain non-motorized Vehicles for Hire, up for **F I R S T** reading. Ordinance No. 5585 is sponsored by Councilman Reid Hedgepeth.
- Hedgepeth  
Chairman,  
Public Works &  
Transportation  
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING

12. **ORDINANCE** for creation of the Graceland Tourism Development Zone Tourism Surcharge and otherwise providing with respect to the foregoing, up for **S E C O N D** reading. Ordinance No. 5583 is sponsored by the Executive Division.
- Halbert  
Chairman,  
Economic  
Development &  
Tourism Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

**ENGINEERING**

13. RESOLUTION accepting SOUTH JUNCTION APARTMENTS, LOTS 1 & 2.  
Case No. SCBID-13-03  
(Contract No. CR-5203)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the NE and SW corners of Florida Street and Carolina Avenue. The standard improvement contract was approved on October 1, 2013. Resolution also authorizes the release of the performance bond in the amount of \$148,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting TOURNAMENT CENTER P.D., PHASE 5 and authorizing release of bond.

Case No. PD 09-305  
(Contract No. CR-5211)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Tournament Drive and Hacks Cross. The standard improvement contract was approved on May 20, 2014. Resolution also authorizes the release of the cashier's check in the amount of \$101,400.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION approving final plat of TULANE PARK NEIGHBORHOOD CENTER AMENDED SC-1.

Contract No. CR-5230

Resolution approves the final plat located on the northwest corner of Holmes Road and Tulane Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD** (None)

**GENERAL ITEM** (None)



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## FISCAL CONSENT AGENDA

16. RESOLUTION to accept from fiscal agent GrowMemphis, community garden supplies, purchased using \$10,000.00 from Tennessee Recreation and Parks Association (TRPA) awarded to build community gardens at one (1) senior center and four (4) community centers. This resolution is sponsored by Parks and Neighborhoods.
- W. Boyd  
Chairman,  
Parks  
Committee

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION to accept funds in the amount of \$500.00 received by the McWherter Senior Center Advisory Council from the Ms. Gwen Allen, Rufus E. Fort Family Advised Fund of the Community Foundation of Middle Tennessee (CFMT) to support kitchen related operational expenditures at McWherter Senior Center. This resolution is sponsored by Parks and Neighborhoods.
- W. Boyd  
Chairman,  
Parks  
Committee

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION accepting a donation of \$500.00 from Prince of Peace Missionary Baptist Church, awarded to Old Allen Precinct for officer of the month awards. This resolution is sponsored by Police Services.
- Conrad  
Chairman,  
Public Safety  
Committee

ACTION REQUESTED: Adopt the resolution



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## MLGW FISCAL CONSENT

19. RESOLUTION approving Contract No. 11796, between Memphis Light, Gas and Water Division and 266 Developer, LLC, a Tennessee limited liability company providing for the license by MLGW to the Developer of up to 150 parking spaces in the Beale Street Landing Parking Garage, to be used by tenants in the multi-family housing project being built by Developer at 266 South Front Street, Memphis, Tennessee.
20. RESOLUTION approving Change No. 3 to Contract No. 11502, Grounds Maintenance Well Lots, with Bean and Prince Contractors, Incorporated, in the funded amount of \$68,951.12. (This change is to renew the current contract for the third of four renewal terms covering the period May 17, 2015 through May 16, 2016. This renewal reflects a 2% increase in rates from the previous year due to expanding the services to include the removal of debris, tires, trash and bagged leaves dumped on the well lots which have to be removed prior to mowing. These unforeseen conditions have resulted in an increase in man-hours, usage of equipment, fuel and landfill costs.)
21. RESOLUTION approving Change No. 2 to Contract No. 11564, Grounds Maintenance, with Vanderbilt Landscaping, in the funded amount of \$495,719.25. (This change is to renew the current contract for the second of four renewal terms for the period covering May 12, 2015 through May 11, 2016, with no increase in rates from the previous year.)
22. RESOLUTION approving Change No. 4 to Contract No. 11486, Grounds Maintenance and Landscaping Services, with Landscape Workshop, LLC, in the funded amount of \$80,896.50. (This change is to renew the current contract for the fourth and final renewal term covering the period May 4, 2015 through May 3, 2016.)
23. RESOLUTION requesting authority to enter into procurement agreements related to the modification of MLGW's electric, gas, and water systems in order to serve the new Tennessee Valley Authority (TVA) Combined Cycle power plant in Memphis, which will replace TVA's Allen Fossil Plant in 2018. (MLGW will be entering into several procurement agreements to supply the infrastructure for this project. Due to the rigid time lines of this project, prior approval for expenditures associated with this project is being requested. All costs will be reimbursed by TVA.)

24. RESOLUTION awarding Contract No. 11685, EnergyAxis Management System (EAMS) Maintenance Agreement, to Elster Solutions, LLC, in the funded amount of \$66,545.00.
25. RESOLUTION approving Contract No. 11689, Energy Information Communication Technology (EICT) Software Support and Maintenance Agreement, to Elster Solutions, LLC, in the funded amount of \$54,000.00.
26. RESOLUTION approving MLGW to pay a settlement claim of \$65,000.



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## REGULAR AGENDA

27.

Flinn

Chairman,  
Personnel &  
Intergovern-  
Annexation  
Committee

### APPOINTMENTS

#### BEALE STREET TOURISM DEVELOPMENT AUTHORITY

##### Appointments

Warner "Ty" Agee  
Ross A. Boswell  
Edmund Ford, Jr.  
J. W. Gibson, II  
Nathaniel Jones  
Paul Morris  
Caren B. Nichol  
Joellyn Forrester Sullivan  
Johnnie Walker  
Jason Wexler  
Jamal Whitlow  
Archie Willis  
Pat Mitchell Worley

#### CIVIL SERVICE COMMISSION

##### Appointments

Brandon M. Ingram  
Natalie J. McKinney

#### ECONOMIC DEVELOPMENT GROWTH ENGINE OF MEMPHIS AND SHELBY COUNTY

##### Reappointment

Thomas R. Dyer

**MEMPHIS AND SHELBY COUNTY CROSS CONNECTION BOARD**

Reappointments

Cindy Cook  
Odell Johnson, Jr.  
Jason Tyler Zerwekh

**MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER BOARD OF TRUSTEES**

Appointment

Dr. Alfred L. Hall

**GENERAL ORDINANCES – THIRD AND FINAL READING**

28. **ORDINANCE** to set fourth Uniform Requirements for Transportation Network Services; Hedgepeth to define Transportation Network Services, Applications, Companies, and Operators and Chairman, to create Registration Provisions for Operators; and to provide for other related matters, Public Works & up for T H I R D and F I N A L reading. Ordinance No. 5569 is sponsored by Transportation Councilman Kemp Conrad and Co-sponsored by Chairman Myron Lowery. (Held Committee from 11/4; 11/18; 1/6; 1/20; 2/3; 2/17; 3/3; 3/17)

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** to amend Chapter 2, Code of Ordinances of the City of Memphis, so as to Brown establish Community Advisory Councils, up for T H I R D and F I N A L reading. Chairman, Ordinance No. 5557 is sponsored by Councilwoman Wanda Halbert. (Held from Housing & 8/19; 9/16; 10/21; 11/18; 12/16; 1/20; 2/3; 2/17; 3/17). Community Development Committee

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** amending the Taxi Ordinance, up for T H I R D and F I N A L reading. Hedgepeth Ordinance No. 5578 is sponsored by Councilman Kemp Conrad and Chairman Myron Chairman, Lowery. (Held from 1/6; 1/20; 2/3; 2/17; 3/3; 3/17) Public Works, & Transportation Committee

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Chapters 9-12-35 Hedgepeth and 9-12-36(A)(1), requesting approval to increase the Air Pollution Emission Fee Chairman, from \$43.00 to \$48.00 per ton of annual emissions and to increase the annual permit fee Public Works & \$1000.00 to \$2000.00 for Title V Sources, up for T H I R D and F I N A L reading. Transportation Ordinance No. 5581 is sponsored by Public Works. Committee

ACTION REQUESTED: Take whatever action Council deems advisable

32. Hedgepeth Chairman, Public Works & Transportation Committee  
**ORDINANCE** to amend City of Memphis, Code of Ordinances, Title 9, Chapter 9-12, Article 1, Section 9-12-4, Titled “Open Burning” to meet the requirement recently adopted by the Tennessee Air Pollution Control Board and placed in the Certificate of Exemption (COE) issued to Shelby County and all of its municipalities on May 14, 2014, under the provisions of the Tennessee Air Quality Act, T.C.A. § 68-201-115 (e) ET SEQ., to authorize an expedited process to grant waivers from Open Burning Regulations, up for T H I R D and F I N A L reading. Ordinance No. 5582 is sponsored by Public Works.

ACTION REQUESTED: Take whatever action deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

33. Strickland Chairman, Budget Committee  
RESOLUTION requesting a minimum of \$13,500,000.00 for paving and \$7,000,000.00 for community projects be included in the FY2016 Capital Improvement Budget. This resolution is sponsored by Councilwoman Halbert. Co-sponsored by Councilman Berlin Boyd, Councilman Bill Morrison and Councilman Edmund Ford, Jr.

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES**

34. Hedgepeth Chairman, Public Works & Transportation Committee  
RESOLUTION requesting the approval of the sale of City owned surplus property as shown in Plat Book 1, Page 27, as Lot #022, located at 0 Tate Street, in Memphis, Shelby County, Tennessee and further described as Parcel 011030 00012. The amount of the offer is \$1,500.00. This resolution is sponsored by General Services.

ACTION REQUESTED: Adopt the resolution

35. Hedgepeth Chairman, Public Works & Transportation Committee  
RESOLUTION requesting the approval of the sale of City owned surplus property acquired by the City of Memphis in Tax Sale #7, located at 502 Wicks Avenue in Memphis, Shelby County, Tennessee and further described as Parcel #025014 00025. The amount of the offer is \$1,200.00. This resolution is sponsored by General Services.

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

36. RESOLUTION authorizing the acceptance of conference sponsorships, donations and registration and exhibit fees for the 2015 Neighborhood Redevelopment Conference in the amount of approximately \$85,000.00 and the submission of all required documents to collect, obligate and expend conference revenue. This resolution is sponsored by Housing and Community Development.

Brown  
Chairman,  
Housing &  
Community  
Development  
Committee

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION approving the FY2016 Consolidated Plan and accepting and appropriating anticipated FY2016 Community Development Block Grant (CDBG) funds in the amount of \$6,242,376.00, CDBG Program Income in the amount of \$2,001,546.69, HOME funds in the amount of \$2,383,976.00, HOME Program Income in the amount of \$17,100.00, Emergency Solutions Grant (ESG) funds in the amount of \$576,122.00 and Housing Opportunities for Persons With Aids (HOPWA) funds in the amount of \$3,071,708.00 from the U.S. Department of Housing and Urban Development (HUD) to the FY2016 budget for the Division of Housing and Community Development.

Brown  
Chairman,  
Housing &  
Community  
Development  
Committee

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES**

38. RESOLUTION to approve an increase of the City Attorney's Office Authorized Complement to take effect upon the approval of the minutes. This resolution is sponsored by the Law Division. (Held from 4/7)

Flinn  
Chairman,  
Personnel &  
Intergovernmental  
Committee

ACTION REQUESTED: Adopt the resolution

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**DIVISION OF PARK SERVICES**

39. RESOLUTION seeks approval to transfer and appropriate \$634,933.00 in Contract Construction from PK70114, Parks Cover Line, to PK07092, City Park Rehab and Maintenance, funded by G.O. Bonds General. This resolution is sponsored by Parks and Neighborhoods.

W. Boyd  
Chairman,  
Parks Com-  
mittee

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

40. RESOLUTION establishing an Ad Hoc Committee to develop a Mow to Own Program.  
Hedgepeth This resolution is sponsored by Councilman Berlin Boyd.  
Chairman, Public  
Works and Trans- ACTION REQUESTED: Adopt the resolution  
portation Committee

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**